

# **FISCAL NOTE**

## **HB 2563 - SB 2718**

March 9, 1998

**SUMMARY OF BILL:** Establishes civil commitment procedures for long-term commitment and treatment of persons found to be sexually violent predators. Provides for psychiatric evaluations, hearings/trials, expert witnesses, and counsel for persons being considered for commitment. Care and treatment will be provided through the Department of Mental Health and Mental Retardation in a secure facility. Annual re-evaluations and hearings will be conducted to determine if committed persons should be released.

### **ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$2,519,500/Recurring**  
**\$348,500/Non-Recurring**  
**\$576,600/Indigent Defense Fund**

Dept. of Mental Health and Mental Retardation  
\$915,000<sup>1</sup> - Pre-release evaluation and re-evaluation  
\$1,168,000<sup>2</sup> - Custody and treatment

Office of Attorney General  
\$436,500 Recurring - Personnel & operations  
\$48,500 Non-Recurring

Indigent Defense Fund  
\$513,900<sup>3</sup> - Independent Evaluations & Expert Witnesses  
\$62,700<sup>3</sup> - Attorney fees

\$300,000<sup>4</sup> - Capital improvements for program space in MH&MR

<sup>1</sup> Re-evaluation numbers are estimated to continue to grow each year until the population stabilizes in the 10<sup>th</sup> year.

<sup>2</sup> Cost of custody and treatment is estimated to increase to approximately \$10,000,000 by the 10<sup>th</sup> year when population is estimated to stabilize.

<sup>3</sup> Re-evaluations, attorney fees, and expert witness fees are estimated to continue to grow each year until the population stabilizes in the 10<sup>th</sup> year.

<sup>4</sup> Capital cost - renovation of existing Department of Mental Health and Mental Retardation facility.

Estimate assumes:

- Three hundred and sixty-six sexual offenders, to be released annually, will have a pre-hearing or post-hearing evaluation of mental condition at an average cost of \$2,500 each and findings will be referred to the office of the Attorney General and/or the court.

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- Based upon findings and patterns of previous convictions, petitions for a probable cause hearing for 90 sexual offenders will be filed.
- After a probable cause hearing, 45 sexual offenders will have commitment trials.
- Sixteen sexual offenders will be found, beyond a reasonable doubt, to be sexually violent persons and should be committed for treatment in a secure facility.
- After a period of years of treatment in a secure facility, most sexual offenders will be released.

### **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

James A. Davenport, Executive Director